

MEDICAL LICENSING BOARD OF INDIANA

INDIANA GOVERNMENT CENTER SOUTH
CONFERENCE CENTER ROOM C
302 WEST WASHINGTON STREET
INDIANAPOLIS, INDIANA 46204

MINUTES OF JUNE 23, 2005

Bharat H. Barai, M.D., President called the meeting to order at 9:32 a.m. and declared a quorum in accordance with IC 25-22.5.

Members Present:	Bharat H. Barai, M.D., President N. Stacy Lankford, M.D., Vice President Richard Krejsa, D.O. Barbara Malone, J.D., Consumer Member Ralph Steward, M.D. William H. Beeson, M.D.
Members Absent:	Worthe Holt, M.D., Secretary
Staff Present:	Michael Rinebold, Board Director Professional Licensing Agency Angela Smith-Jones Professional Licensing Agency Jody Edens, Assistant Board Director Professional Licensing Agency James Schmitt, Deputy Attorney General Office of the Attorney General Elizabeth Brown, Deputy Attorney General Office of the Attorney General

Let the record reflect that Dr. Beeson was out attending to Probationary Appearances.

The Board voted to adopt the agenda and addendum as amended.

Krejsa/Lankford, 5/0/0

The Board voted to adopt the minutes of the May 26, 2005 meeting.

Krejsa/Lankford, 5/0/0

PROBATIONARY APPEARANCES

(Before one member of the Board only)

The physicians listed below, appeared per their order and no other issues arose during the probationary appearance:

Glenn Ballengee, D.O.
Sally Booth, M.D.
Timothy Cook, M.D.
Mark Doyle, M.D.
Fred Moss, M.D.
Jan Peterson, M.D.
Deborah Provisor, M.D.
James Ranochak, M.D.
Lawrence Rothstein, M.D.

David Hanes, D. O.
Stephen Matthews, M.D.
Jan Mayer, M.D.
Milton Morgan, M.D.
Jeffrey Seizys, M.D.
Ruth Serneels, M.D.
Bryan Smith, M.D.
Andrew Wyant, M.D.

Kevin Smith, PA, did appear for his Probation Appearance and he filed a letter asking the Board to affirm the ALJ Order modifying his work hours. After discussion the Board moved to AFFIRM the proposed ALJ Order.

Barai/Stewart, 5/0/0

The physicians listed below, did not appear for their scheduled probationary appearance:

Kevin McCallum, M.D.
Vishwanath Gundur, M.D.

Let the record reflect that Dr. Beeson re-joined the meeting.

PERSONAL APPEARANCES

Initial Applicants

The Board approved the following Personal Appearance recommendations submitted by Dr. Lankford, Dr. Barai, and Dr. Krejsa.

Erica Cook, M.D.
Venkatesa R. Gorantla, M.D.
Jonathan Marsh, M.D.
Robin Rothrock, M.D.
Joseph Tulagan, M.D.
Joshua P. Smith, M.D.
Spencer Wilson, M.D.
Venkatesan R. Gorantla, M.D.
A. Martinez, M.D.

Lankford/Barai, 6/0/0

Let the record reflect that Dr. Beeson left the meeting.

The following Personal Appearances were heard by the full Board:

Nayerh Pezeshkian, M.D. – Dr. Pezeshkian is requesting the issuance of a temporary medical permit. She cannot provide her medical school transcripts or a notarized diploma as she had to escape from Iran and was granted asylum status in the United States. She is licensed in California and Minnesota. She presented a letter from ECFMG stating that this does happen although rarely. Dr. Lankford spoke with ECFMG and verified that this does happen about six (6) times per year. Dr. Lankford indicated that he felt she should be granted the issuance of the temporary. After discussion, the Board moved to GRANT the issuance of the temporary.

Lankford/Krejsa, 5/0/0

Let the record reflect that Dr. Beeson re-joined the meeting.

Rakesh R. Shah, M.D. – Dr. Shah is requesting the issuance of a full license. Dr. Shah was cited with irregular behavior during testing for the USMLE. An investigation was held. He failed the examination and had to re-take the exam. Dr. Beeson indicated that this was a very serious matter. Dr. Stewart agreed that it was a serious matter and it was considered cheating and unprofessional conduct. After further discussion, the Board moved to DENY licensure.

Lankford/Stewart, 4/0/2 with Ms. Malone and Dr. Barai abstaining

PERSONAL APPEARANCES

Renewal Applicants

Louis J. Knoble, M.D., License No. 01039178A – Dr. Knoble appeared before the Board concerning the matter that he did not submit a positive response on his renewal application. In June 2003 he was charged with a DUI, which was reduced to Reckless driving a class B Misdemeanor. He was driving at the time but told the Officer that he had not been drinking. His BAC was .13. He was ordered to take Alcohol classes, and performed community service. He went to counseling on his own. He went to ISMA and was evaluated by Candace Backer. She recommended he attend Rush for an extensive evaluation. He did not follow her recommendations. After discussion, the Board moved to TABLE the renewal until he receives a comprehensive assessment from Rush.

Stewart/Lankford, 6/0/0

Matthew A. Libiran, M.D., License No. 01059738A – Dr. Libiran appeared before the Board concerning a positive response on his renewal application. In January 2005 while shopping in a store in Ohio, the Doctor changed a price tag of a pair of pants. He pled no contest to Disorderly Conduct and was ordered to pay a \$575.00 fine. He presented the

Board copies of court documents indicating what happened. After discussion, the Board moved to GRANT renewal of his license.

Barai/Stewart, 6/0/0

Let the record reflect that Dr. Beeson left for the day.

David C. Blocker, M.D., License No. 01042964A – Dr. Blocker appeared before the Board concerning a positive response on his renewal application and was represented by Fox DeBoise. He has matters pending before the Ohio Board and his license in Kentucky has been Stayed until he is evaluated by CPEP. His contract at Wright-Patterson AFB was cancelled. He was told it was due to alleged diagnostic discrepancies. Mr. DeBoise indicated that he doesn't want his client to go to CPEP because CPEP system is biased and as a result boards end up putting them all on probation and they get a blanket denial from malpractice companies as a result of being placed on probation. Dr. Blocker was never adjudicated of this matter, there are only allegations. They are still trying to find out exactly what happened at Wright-Patterson AFB but so far they are not getting any cooperation. After discussion, the Board moved to DENY the renewal. A vote did not occur and Dr. Stewart withdrew the motion.

After further discussion, the Board again moved to TABLE for the ninety (90) day time period to give him the opportunity to register for CPEP. He will be required to come back before the Board within the next ninety (90) days for a final determination by the Board.

Krejsa/Malone, 5/0/0

Nguyen Viet Ta, M.D., License No. 01049927A – Dr. Ta appeared before the Board concerning a positive response on his renewal application. He explained to the Board that he was stationed in North Carolina, where his privileges were restricted. He then went to Wright-Patterson AFB for full supervised privileges. As of May 2005 he has been practicing with full privileges. After discussion, the Board moved to GRANT renewal of his license.

Barai/Stewart, 5/0/0

Perry Brucker, M.D., License No. 01018660A – Dr. Brucker appeared before the Board concerning a positive response on his renewal application. He explained to the Board that he did a facial surgery on a patient. There was a slight problem and he had to do a touch up. He indicated that for the touch up he charged her \$800.00 and she was upset about the charge. This patient along with her or her friends he had also performed surgery on got together and filed a suit against him. His attorney is trying to get the suit thrown out due to statute of limitations. He has started the process of retiring but does have patients scheduled through January 2006. After discussion, the Board moved to GRANT renewal of his license.

Barai/Lankford, 5/0/0

John Felton, M.D., License No. 01028127A – Dr. Felton appeared before the Board concerning a positive response on his renewal application. Dr. Felton explained that two (2) panels are still pending. One decision was found against the Doctor. He went on to explain that he had performed eye surgery and six days after the patient came back with a very hot red eye. Infection was never determined because when the pull was done to test for infection her retina became detached. After discussion, the Board moved to GRANT renewal of his license.

Barai/Malone, 3/1/0, with Dr. Stewart opposing

Let the record reflect that Dr. Krejsa was out of the meeting.

David M. Haas, M.D., License No. 01054309A – Dr. Haas appeared before the Board concerning a positive response on his renewal application. While he was a fourth (4th) year resident in the Navy, he was listed in a suit concerning a baby born with Cerebral Palsy. The suit was Patient vs. Navy. He stated he had minimal contact with the patient. After discussion, the Board moved to GRANT renewal of his license.

Stewart/Lankford, 4/0/0

Jayesh M. Madhani, M.D., License No. 01044088A – Dr. Madhani appeared before the Board concerning a positive response on his renewal application. Dr. Madhani explained to the Board that a patient stayed in the ER for thirteen (13) hours because the Hospital was full. She passed away after thirty-six (36) hours from an infectious disease. There was an infectious disease consultation before the patient passed away. His part was settled for \$850,000. After discussion, the Board moved to GRANT the renewal of his license.

Stewart/Malone, 4/0/0

Let the record reflect that Dr. Krejsa returned to the meeting.

Robert R. Edger, M.D., License No. 01042008A – Dr. Edger appeared before the Board concerning a positive response on his renewal application. Dr. Edger explained that a patient he saw had Bi-Polar disorder. The patient's suit alleged that the medication the Dr. had prescribed for the Bi-Polar disorder caused Pancreatitis. The suite was settled for \$518,000. After discussion, the Board moved to GRANT the renewal of his license.

Lankford/Barai, 5/0/0

Robert H. Larmore, M.D., License No. 01023334A – Dr. Larmore appeared before the Board concerning a positive response on his renewal application. He explained to the Board that approximately nine (9) months ago he had a cocktail and a light dinner and left his home to go to his lake house. He was stopped for speeding and a breathalyzer test was performed. His BAC was 1.17. He pled guilty. After discussion, the Board moved to TABLE the renewal pending an addictionology report. The report is to be reviewed by a board member and if it is a favorable report then Dr. Larmore's license may be renewed. If it is not favorable he will be required to make another personal appearance.

Barai/Lankford, 5/0/0

Mark J. Schuld, M.D., License No. 01045428A – Dr. Schuld appeared before the Board concerning a positive response on his renewal application. His partner admitted a patient to the Hospital. He was on duty for the weekend. He was to release the patient over the weekend but didn't, he kept her in the Hospital. He turned the patient back over to his partner on Monday, later the patient died. After discussion, the Board moved to GRANT the renewal of his license.

Stewart/Krejsa, 5/0/0

Charles Maloney, M.D., License No. 01023354A – Dr. Maloney appeared before the Board concerning a positive response on his renewal application. He falsified to the Hospital that he had malpractice insurance. He operated without the insurance. Due to financial matter he has been without insurance for a period of time, however he continued to practice. His malpractice insurance was cancelled on December 26, 2003 and he obtained new insurance in May 2005. After discussion, the Board moved to TABLE this matter and ordered the Attorney General's Office to do an expedited investigation and to get a copy of the report to the Board before the ninety (90) days are up.

Stewart/Barai, 4/1/0, with Dr. Lankford objecting

Ronald P. Moyer, M.D., License No. 01022279A – Dr. Moyer appeared before the Board concerning a positive response on his renewal application. He explained to the Board that a patient died in his office after he performed an allergy scratch test. He immediately called 911 and did everything he could to save her. After discussion, the Board moved to GRANT the renewal of his license.

Stewart/Krejsa, 5/0/0

Let the record reflect that Dr. Stewart was out for part of the following hearing.

Charles G. Hiam, M.D., License No. 01025366A – Dr. Hiam appeared before the Board concerning a positive response on his renewal application. He explained that he saw a patient (wife forced the patient to go to the Dr.) that didn't want to be there. He did not find anything wrong with the patient. The patient later died. He had previously had an M.I. After discussion, the Board moved to GRANT the renewal of his license.

Barai/Lankford, 4/0/1, with Dr. Stewart abstaining

Amit Vyas, M.D., License No. 01045391A – Dr. Vyas appeared before the Board concerning a positive response on his renewal application. He explained to the Board that he had performed an angiogram on a patient. Nothing was found. The patient passed away at home nine (9) days later. An autopsy was performed and revealed cardiac disease. After discussion, the Board moved to GRANT the renewal of his license.

Lankford/Krejsa, 5/0/0

Alan S. Cooperman, D.O., License No. 02000572A – Dr. Cooperman appeared before the Board concerning a positive response on his renewal application. His Missouri license has been revoked. His license was revoked for unpaid taxes. His license was reinstated after he paid his taxes. After discussion, the Board moved to GRANT the renewal of his license.

Stewart/Lankford, 5/0/0

Michael L. Boothe, M.D., License No. 01032979A – Dr. Boothe appeared before the Board concerning a positive response on his renewal application. Dr. Boothe received an addictionology evaluation from Timothy Kelly, M.D., per the recommendation of Candace Backer. He presented the evaluation to the Board for review. After discussion, the Board moved to GRANT the renewal of his license.

Stewart/Barai, 5/0/0

Michael T. Adams, M.D., License No. 01045935A – Dr. Adams appeared before the Board concerning a positive response on his renewal application. Dr. Adams told the Board that he has problems with addiction to opiates. He moved to Georgia where he relapsed in October 2004. He admitted himself to a twenty-eight (28) day treatment center. His Ohio temporary permit was suspended for six (6) months. His license in Georgia has been suspended until February 2006. He is currently working for the State of Georgia, Division of Public Health in an Administrative position. He indicated to the Board that his recovery comes first. After discussion, the Board gave Dr. Adams the option of withdrawing his renewal application. Dr. Adams requested that his renewal application be withdrawn. The Board moved to GRANT the Dr's. request to withdraw his renewal application.

Lankford/Stewart, 5/0/0

Boyd C. Marts, M.D., License No. 01042442A – Dr. Marts appeared before the Board concerning the matter that he did not submit a positive response on his renewal application. He had a verbal incident with a Nurse. He has participated in CME and other programs to address the matter. He indicated that he did not intend to deceive the board, as he was only suspended for two (2) weeks. He thought it only had to be reported

if it was thirty (30) days or more. After discussion, the Board moved to GRANT the renewal of his license.

Malone/Lankford, 4/0/1, with Dr. Stewart opposed

ADMINISTRATIVE HEARINGS

The following hearings were continued.

Steven E. Ross, M.D., License No. 01027154A, Cause No. 2004 MLB 0022
William Graham, D.O., License No. 02000821A, Cause No. 2002 MLB 0029
Michael Seth Miller, D.O., License No. 02001905A, Cause No. 2004 MLB 0030

Gustavo M. Okrassa, M.D., License No. 01057738A, Cause No. 2004 MLB 0006

The Respondent did not appear in person and was not represented by counsel regarding a Preliminary Hearing/Renewal of Summary Suspension scheduled before the Board. The State of Indiana was represented by Sara Matticks, Deputy Attorney General and the court reporter sworn in for this matter was Felicia Warren. After having considered the evidence presented and taking official notice of its file in this matter the Board moved to RENEW the SUMMARY SUSPENSION for a period of ninety (90) days.

Stewart/Krejsa, 5/0/0

Spurgeon Green, Jr., M.D., License No. 01037993A, Cause No. 2004 MLB 0004

The Respondent did not appear in person and was not represented by counsel regarding a Preliminary Hearing/Renewal of Summary Suspension scheduled before the Board. The State of Indiana was represented by Sara Matticks and the court reporter sworn in for this matter was Felicia Warren. An agreement between the Respondent, his counsel and the Attorney General's Office was presented to the Board by Sara Matticks, Deputy Attorney General. The agreement includes the RENEWAL of the SUMMARY SUSPENSION for a period of ninety (90) days. After having considered the evidence presented and taking official notice of its file in this matter the Board moved to ACCEPT the agreement.

Krejsa/Stewart, 5/0/0

Arkan I. Alrashid, M.D., License No. 01050179A, Cause No. 2004 MLB 0040

The Respondent did not appear in person and was not represented by counsel regarding a Final Hearing scheduled before the Board. The State of Indiana was represented by Steven Douglas, Deputy Attorney General and the court reporter sworn in for this matter was Felicia Warren. Mr. Douglas requested that this matter be continued to obtain further documentation. After having considered the evidence presented and taking official notice of its file in this matter the Board moved to CONTINUE this matter.

Stewart/Maloney, 5/0/0

Derrick Jeter, M.D., License No. 01041204A, Cause No. 2005 MLB 0005

The Respondent did not appear in person and was not represented by counsel regarding a Final Hearing scheduled before the Board. The State of Indiana was represented by Sara Matticks, Deputy Attorney General and the court reporter sworn in for this matter was Felicia Warren. After having considered the evidence presented and taking official notice of its file in this matter the Board moved to issue a NOTICE OF PROPOSED DEFAULT.

Stewart/Lankford, 5/0/0

Michael Ethan Person, M.D., License No. 01044171A, Cause No. 2004 MLB 0028

The Respondent did appear in person and was represented by Brian Becker regarding a Final Hearing scheduled before the Board. The State of Indiana was represented by Sara Matticks, Deputy Attorney General and the court reporter sworn in for this matter was Felicia Warren. A settlement agreement between the Respondent, his counsel and the Attorney General's Office was presented to the Board by Sara Matticks, Deputy Attorney General. The settlement included a LETTER OF REPRIMAND. After having considered the evidence presented and taking official notice of its file in this matter the Board moved to ACCEPT the settlement agreement.

Lankford/Barai, 4/0/1, with Dr. Krejsa abstaining

Gregory Lynn Brown, M.D., License No. 01039982A, Cause No. 2005 MLB 0013

The Respondent did not appear in person and was not represented by counsel regarding a Final Hearing/Renewal of Summary Suspension scheduled before the Board. The State of Indiana was represented by Sara Matticks, Deputy Attorney General and the court reporter sworn in for this matter was Felicia Warren. After having

considered the evidence presented and taking official notice of its file in this matter the Board moved to issue a NOTICE OF PROPOSED DEFAULT.

Stewart/Krejsa, 5/0/0

The Board further moved to RENEW the SUMMARY SUSPENSION for a period of ninety (90) days.

Stewart/Krejsa, 5/0/0

Mauro Agnelneri, M.D., License No. 01052295A, Cause No. 2004 MLB 0005

The Respondent did appear in person and was represented by Whitney Mauk regarding a Final Hearing scheduled before the Board. The State of Indiana was represented by Sara Matticks, Deputy Attorney General and the court reporter sworn in for this matter was Felicia Warren. A settlement agreement between the Respondent, his counsel and the Attorney General's Office was presented to the Board by Sara Matticks, Deputy Attorney General. The settlement included INDEFINITE PROBATION for a period of eighteen

(18) months, sixty (60) CME's with at least ten (10) in ethics/boundaries. The Respondent must not treat any patients under the age of eighteen (18) years old. After having considered the evidence presented and taking official notice of its file in this matter the Board moved to ACCEPT the settlement agreement.

Malone/Barai, 4/0/1 with Dr. Lankford abstaining

Paul David Goodrich, M.D., License No. 01039361A, Cause No. 2005 MLB 0006

The Respondent did not appear in person and was not represented by counsel regarding a Final Hearing scheduled before the Board. The State of Indiana was represented by Sara Matticks, Deputy Attorney General and the court reporter sworn in for this matter was Felicia Warren. Ms. Matticks informed the Board that the Respondent is deceased. She requested that this matter be dismissed. After having considered the evidence presented and taking official notice of its file in this matter the Board moved to DISMISS this matter.

Stewart/Lankford, 5/0/0

Derek Lewis Tennenhouse, M.D., License No. 01056104A, Cause No. 2005 MLB 0032

The Respondent did not appear in person and was not represented by counsel regarding a Petition for Summary Suspension scheduled before the Board. The State of Indiana was represented by Sara Matticks, Deputy Attorney General and the court reporter sworn in for this matter was Felicia Warren. An agreement between the Respondent and the Attorney General's Office was presented to the Board by Sara Matticks, Deputy Attorney General. The agreement includes SUMMARY SUSPENSION for a period of ninety (90) days. After having considered the evidence presented and taking official notice of its file in this matter the Board moved to ACCEPT the agreement.

Barai/Krejsa, 5/0/0

Miles James Jones, M.D., License No. 01041169A, Cause No. 2005 MLB 0004

The Respondent did not appear in person and was not represented by counsel regarding a Notice of Proposed Default scheduled before the Board. The State of Indiana was represented by Sara Matticks, Deputy Attorney General and the court reporter sworn in for this matter was Felicia Warren. After having considered the evidence presented and taking official notice of its file in this matter the Board moved to hold the Respondent's license in DEFAULT.

Barai/Krejsa, 5/0/0

The Respondent was providing prescriptions via the internet without a patient examination. After having considered the evidence presented and taking official notice of its file in this matter the Board moved to REVOKE the Respondent's license.

Stewart/Krejsa, 5/0/0

DISCUSSION

HEA 1306; Re: Discussion of new legislation – FYI. The Board reviewed the legislation and 42 USC 1395nn and has no further comment or clarification other than what was written in the new legislation and the U.S. Code. The Board may revisit this matter at a future date.

Rebecca Sutton, M.D., Re: Appeal of Denial of Licensure – The Board moved to GRANT her a hearing before the full Board.

Stewart/Lankford, 5/0/0

James Bleeke Correspondence; Re: Request for advisory opinion – The Board does not issue advisory opinions and requested that a copy of the statute be sent to Mr. Bleeke. They also referred him to resources such as AMA, ISMA and the Federation indicating that he should review their ethical conduct policies.

CPEP; Re: Patient Record Documentation Seminar – FYI

Board Meetings for July, August and September – Staff discussed with the Board about having two (2) day meetings in July and August due to the high number of renewal personal appearance hearings. The Board agreed to have two (2) day meeting for July and August.

Douglas P. Bosack – Correspondence – Possible OTSC – Dr. Boasck is on Probation from his initial licensure. He received a DUI in February 2005 in West Virginia. The Board requested that an Order to Show Cause be issued.

Renewals – Individuals failing to answer positive – The Board had an in depth discussion about Practitioners answering all No's on their renewal application when they should have answered at least one question Yes. The Board feels that this is a very serious matter and moved that all Practitioners that are in this situation be required to make a personal appearance and that the Bureau file a complaint with the Attorney General's Office for investigation.

Beeson/Stewart, 5/0/1, with Ms. Malone abstaining

Gary Loos; Correspondence – Appeal of denial of hearing aid certification – The Board moved to Grant a hearing in this matter and appointed Alan Reese as the ALJ.

Stewart/Krejsa, 5/0/0

CSAC; Annual appointment from Board effective July 1st – Dr. Stewart was just appointed to the CSAC January 2005 therefore, the Board will not do anything at this time.

There being no further business the meeting adjourned at 6:47 p.m.



Bharat Barai, M.D., President
Medical Licensing Board of Indiana



Worthe Holt, Jr., M.D., Secretary
Medical Licensing Board of Indiana